

Utah Antidiscrimination and Labor Advisory Council
Meeting Minutes
August 13, 2009
12:10 pm to 1:30 pm
Room 319

Council Members in attendance:

Sherrie Hayashi, Commissioner
Heather Morrison, UALD Division Director
Ralph Chamness, General Public Representative
John Chindlund, Employer Representative
Robert Wilde, Employee Representative
Paul Smith, Landlord Representative
Rick Thaler, General Public Representative
Tony Montano, Employee Representative
Monica Whalen, Employer Representative
Sara Danielson, Council Secretary
Brent Asay, Wage Claim Unit Manager
Monica Austen-Smith, Employment Discrimination Case Manager

Not in attendance:

Marty Blaustein, Tenant Representative
John Salazar Sr., Employee Representative
Keith Nielson, Landlord Representative
Lisa Fine, Tenant Representative
Bev Uipi, General Public Representative
Antonella Packard, General Public Representative

Commissioner Sherrie Hayashi called the council meeting to order at 12:10 pm.

Discussion Issues:

Proposed Legislation change to UCA §34-28-1) – clarifying potentially conflicting language within statute –

Discussion was held to remind the council of the need for the clarification. Bob Wilde made a motion that the Commission proceed with finding a sponsor and proceed with the legislative change. Monica Whalen seconded the motion. The motion passed unanimously. The Commission will proceed.

Proposed Legislation change to UCA §34-28-3 – Specifying that employers may not deduct the cost of uniforms –

After rereading the proposed statutory changes, Sherrie proposed that a step back be taken and work be done with the stakeholders on the uniform issue and the language in the statute. Paul Smith made a motion to send the matter to a subcommittee of the council. Monica Whalen seconded and suggested that the original committee that worked on the uniform issue be the ones to handle dealing with it again. The Council approved the use of the original committee to work with stakeholders to review the statutory language changes.

Proposed New Rule – R610-3-21 – defining “Uniform” –

Because the Council determined that the statutory change needed to be reviewed by the stakeholders, the discussion of the rule was tabled until the statutory change is finalized.

Proposed New Rule – R610-3-22 payment of wages via pay cards –

Sherrie advised the council that after an open meeting on the proposed rule to allow the use of pay cards, several comments were received regarding the issue. Most of the concerns were regarding the number of times an employee could access the funds without a fee. Most financial institutions would not participate if they had to allow access without fees more than once.

Discussion was held. The council would like to review the comments and if there are rules or regulations from the financial institutions on the use of pay cards. Heather stated that the copies of the comments would be distributed to the council.

It was suggested that the subcommittee that put together the original rule be reconvened and hold a meeting with some of the payroll companies to rework the rule text.

Approval of last meeting minutes. Sherrie recognized that there was a quorum of the council present to approve the minutes of the last meeting. Paul Smith made a motion to approve the May 14, 2009 meeting minutes. Monica Whalen seconded. The minutes were approved.

The next meeting will be on November 12, 2009 at 11:30 am.

Upon a motion by Paul Smith, seconded by Monica Whalen, Sherrie adjourned the meeting at 1:10 pm.